

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EARL J. MARKEY, III : CIVIL ACTION
v. :
CAROLINE THOMPSON, PAULA : NO. 22-4307
JOHNSON, BOROUGH OF YARDLEY :
:

ORDER

AND NOW, this 24th day of June 2025, upon considering Defendants' partial Motion to dismiss (ECF 15), Plaintiff's Response (ECF 16), Defendants' Reply (ECF 17), following Plaintiff's voluntary dismissal of the Fourth Claim and those portions of his Third Claim as to the individual Defendants' liability in their official capacity (ECF 22), further considering thoughtful oral argument (ECF 25), the parties' supplemental post-argument briefing granted with leave (ECF 27, 28, 29, 30, 31), and for reasons in today's accompanying Memorandum, it is **ORDERED** Defendants' partial Motion to dismiss (ECF 15) is **GRANTED in part** and **DENIED in part** requiring we:

1. **DISMISS** Plaintiff's Fifth Claim for declaratory relief (ECF 9) without prejudice as we lack subject matter jurisdiction over this Fifth Claim; and,
2. **GRANT** Defendants leave to file an Answer including as to the First, Second, and Third Claims by no later than **July 8, 2025**.



KEARNEY, J.